

U.S. withdrawing its signature, if it can so be done, does not annul the court. In fact, it does not do that at all. But it would encourage other nations to remove their signatures from treaties that are vital to U.S. interests, and they will cite the example of an American President who unsigned a treaty for which he did not particularly care.

The fear in Washington is that American soldiers abroad, as I said, would be charged unjustly with war crimes. Such a possibility is very remote. The court already contains strong safeguards that ensure it will deal only with the most serious of international crimes and can take a case only if a nation's own judicial system has declined to carry out a conscientious investigation of the charges.

Does anyone really believe that in this country we would not pursue a person in uniform who had committed heinous crimes to come before a bar of justice?

The Rwandan and former Yugoslavian tribunals, which have rendered fair and reasonable judgments, show that America has little to fear from such a court. The Clinton administration negotiators were able to significantly improve the court's rules. Continued engagement, as I said a moment ago, by the Bush administration could have built upon that record.

One would have thought it was in the interest of the United States not to miss a chance to affect the selection of judges in the definition of new crimes, issues that should matter to us and to our allies. Apparently that is not the case.

A few weeks ago, on April 11, governments gathered in New York to mark what they called the depositing of the 66th instrument of ratification of the Rome statute, meaning that the international criminal court will come into existence this July. The court is going to exist and, unfortunately, we are going to be on the outside.

We have made further announcements we will not even support or assist the court as it tries to gather information against those who may have committed these dreadful crimes that the court would have jurisdiction over.

I am deeply disturbed by this action. I think it is a huge mistake. What are the implications of this course the Bush administration has set for the United States? The United States no longer can credibly voice its opinion on who should be selected to be the court's judges and prosecutors, nor will we be taken seriously if we attempt to use our seat in the U.N. Security Council to refer situations to the court, such as the current conflict in Sudan that has already claimed over 2 million lives as a result of war crimes, genocide, and crimes against humanity.

Finally, our words will fall on deaf ears when we purport to act as an unbiased watchdog of the court's integrity having denounced its fundamental purposes. We have also lost the opportuni-

ties that ensure the court stays focused on its primary task, that of bringing to justice the world's worst criminals.

I have cited a number of vital American interests that are wrapped up in this institution, the court. Those interests are not going to be erased with the name of the United States gone from the Rome statute. The administration may have struck a responsive cord with a right-wing antimultilateralist constituency with this announcement, but it has jeopardized the interests of all Americans in so doing.

The administration could have taken the higher road, the responsible road, recognizing that there is a constructive and useful role the United States could perform without making a decision at this juncture concerning U.S. ratification. Sadly, President Bush has chosen not to do so.

While some may be cheering the administration's decision, those of us who care deeply about promoting the rule of law are not. The issue has particular significance for me. My father, Thomas Dodd, was an executive trial counsel at Nuremberg in 1945 and 1946. The Nuremberg trials of the leading Nazi war criminals following World War II was a landmark of the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and genocide conventions. It was also largely an American initiative.

Today, instead of America being a leader in the pursuit of global justice, we would act to throw up roadblocks toward that goal. Make no mistake about it, today was a setback in the promotion of global justice. Today was a setback for what America is supposed to stand for, and I regret this decision very deeply indeed.

TERRORISM INSURANCE

Mr. DODD. Mr. President, I note the presence of the distinguished Senator from Nevada who has spoken to me on numerous occasions about the efforts to get a bill passed dealing with terrorism insurance. In his State, and I think particularly Las Vegas, major construction efforts have been slowed down tremendously because of the inability to acquire terrorism insurance. We have been very close since last fall in coming to an agreement to bring up a bill and to allow a series of amendments to be offered, debated, disposed of, and then to move on to reconcile the differences with the House-passed bill so that we might eliminate this roadblock that is causing a slowdown in economic growth in this country.

I hope my colleagues on the other side—I have worked very closely with Senator GRAMM of Texas, with the minority leader, the Republican leader, TRENT LOTT, to try to come up with a framework that can work. On this side of the aisle, Senator DASCHLE, our Democratic leader, along with Senator SCHUMER and others who have been interested in the subject matter, we have received unanimous consent—my col-

league from Nevada can correct me if I am wrong on this side to move forward with a proposal allowing for a series but limited number of amendments, to a defined period of time to be considered and then final passage of a bill. There have been objections filed on the other side so we have not been able to proceed.

Let there be no doubt, there is 100-percent agreement on this side of the aisle to move to the terrorism insurance bill. Every day we wait, a day delayed is a job lost, a project gets stalled and the economy suffers. This is a serious issue. We ought to be able to get to a bill, consider amendments, let there be a decision by this body whether to support or reject amendments, get to final passage and try to resolve this issue.

To those who call my office on an hourly basis wondering whether we will get a terrorism insurance bill, let me be as clear as I possibly can: There is no objection on this side of the aisle; there is on the other.

My hope is we can resolve the objections. This has gone on week after week after week. There is no reason we cannot define amendments, allow for their consideration, allow for their disposition, and get to the third reading and final passage of a bill. My hope is that will happen this week so we can resolve the differences with the House and send a bill to the President for his signature.

Mr. REID. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. REID. I say to my friend, he is absolutely right. We have worked hard under the direction and guidance of the Senator from Connecticut and gotten everyone to sign off on a package we can bring to the floor. The other side wanted two amendments and then four amendments; and we have agreed. It seems to me we cannot let the perfect be the enemy of the good. It needs to be done.

I am sure the Senator would agree, if someone has a problem, propose floor amendments, we will debate and vote and move on. This has become serious. The Senator from Connecticut has had developers in his office, the people who lend money and want to lend money, people in the construction business, in addition to the specialized construction business, in addition to developers. I can go through a list of others who have been to see us who are extremely concerned about our country, in addition to their businesses.

I have heard on a number of occasions the majority leader acknowledging the work of the Senator on this issue, and I join with him. We need to nudge this forward a bit more and get this matter resolved. Time is wasting. In another 10 days we will be taking a week break to go home for the Memorial recess, and then the Fourth of July. In the meantime, there are construction projects not going forward.

Mr. DODD. I thank the Senator for his comments. He is exactly right. In

addition to the organizations he mentioned, this means jobs. Business cannot get lending from the banks because the banks will not lend money without terrorism insurance. There is no proposal that allows us to bridge the gap since September 11.

It is very difficult to get this insurance because it is very difficult to price. Prior to the events of September 11 we had some acts of terrorism, but they were isolated and limited. What happened on September 11 has changed so many aspects of this country, including the question of how to calculate the cost of terrorism insurance. Banks do not want to lend money. This is a practical matter. I wish it were otherwise. They do not want to lend money when the terrorism insurance will not be written, and it will not get written because people do not know how to price or cost it.

The idea was to frame some proposal to allow a bridge for a couple of years while the pricing of this product could be calculated, and to get the Federal Government out of it altogether but have us presently involved as a backstop should some catastrophic event occur. We would have a backstop so it would not wipe people out.

I am told today that if we have an event such as September 11 again, the insurance that exists today could only deal with about 20 percent of the cost of what happened on that day. Knowing that, we begin to understand why banks are not lending the money; why, then, developers, contractors, and so forth, are not going forward with their projects; and why people are being laid off. We have a ripple effect. That is the reason we need this bill.

I am not suggesting this is a perfect bill. But we do believe this proposal provides that gap for 23-36 months to allow for the pricing and free market factors to take over the costing out of terrorism insurance. In the absence of that happening, we get further delays. All the insurance contracts are being rewritten this year.

It is a major economic issue, one that cries out for an answer. I urge my colleagues on the other side not to hold this up any longer and not object to moving forward. If Members have a proposal, come forward and we will accommodate that amendment and vote on it one way or the other but don't stop the bill from moving forward altogether.

That is what is happening today and what has gone on for several months. It is causing great economic damage to the country. Talk to any major financial institution, talk to any major insurance company in this country, and they will say the same thing. The Republican objections to going forward on this bill are costing this country dearly. We need them to lift those objections, consider this bill, up or down, vote it up or down, but move on. Quit objecting to moving forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 5:30 p.m. today under the same conditions and limitations of the previous order; that at 5:30, the Senate proceed to Executive session as under the previous order, with the time equally divided and controlled; that the remaining provisions of the previous order in Executive session remain in effect, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to my friend, the Senator from Wyoming, Mr. THOMAS. When he completes his statement, we will go into recess, subject to the call of the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

MEDICARE EQUITY FOR VETERANS ACT

Mr. THOMAS. Mr. President, I will discuss a bill we have introduced in the last several weeks that I think is very important. It is called the Medicare Equity for Veterans Act of 2002. It is designed to provide some fairness between Medicare and VA health care. There are a number of Members who have introduced the bill that will require Medicare services to reimburse the VA facilities for services rendered to certain Medicare-eligible veterans. These service men and women have paid into Social Security and Medicare as have the rest of us but are prohibited from utilizing the program when they are treated at a VA facility. It is only fair that they be allowed to use their Medicare coverage in the private sector or at a VA facility.

An interesting thing has happened in the numbers with respect to veterans. The number of veterans enrolled in VA health care systems has more than doubled since 1996. Many VA facilities—eligible veterans, called priority 7, or category C veterans, being veterans who have served but their disabilities are not related to their military service and are able, financially, to care for themselves. This is where we have seen the greatest increase in the patient load.

At the VA facility in Cheyenne, WY there were only 131 of these priority 7 veterans who were treated in fiscal year 1997.

However, in fiscal year 2001, the same facility treated over 2,200 priority 7 veterans. So, clearly, the VA is experiencing substantial growth in that area and it is utilizing facilities—and that is good.

But the veterans are unable, even though they are eligible, to use their Medicare assistance. With this increase in numbers, unfortunately, the VA health care system has not kept pace in terms of its finances. In my State, Medicare would expand access to services in most communities and would provide primary care to those for whom it is not now available.

Specifically, the Medicare Equity for Veterans Act of 2002 establishes a 3-year demonstration program at 10 VA sites, 3 of which must be in rural areas. The Secretary of VA and HHS will either choose a Medicare+Choice or preferred provider option model for these sites. The options would give the Secretary some flexibility in that way.

We have more and more veterans who are in this category 7 who would like very much to use VA facilities to care for their needs. They are eligible for Medicare, and Medicare would then reimburse the VA. We would be able to do two things, of course: to be able to finance the VA facilities and at the same time be able to let these eligible veterans use their Medicare services.

I hope we can move this bill. I think it will be very good for VA veterans. I think it will also be good for Medicare. It can probably be done more cheaply than the private sector. The combination is a good remedy to some of the problems we have.

I yield the floor.

RECESS

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:02 p.m., recessed until 4:33 p.m. and reassembled when called to order by the Presiding Officer (Mr. LEVIN).

The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF PAUL CASSELL

Mr. KYL. Mr. President, I will speak in morning business but really on the subject of our 6 o'clock vote, the nomination of Paul Cassell to be judge for the district court serving the State of Utah.

I am not from Utah, obviously. And you might ask, what is an Arizona Senator doing speaking on behalf of a nominee from another State? The answer to that question is, I have gotten to know Paul Cassell, and I am a very big fan of Paul Cassell. I think he will do a superb job on the bench. I just want to take a couple minutes of my colleagues' time to explain why.

It is not often we have the opportunity, as Senators, to vote for a nominee, who we really have gotten to know in our work in the Senate, to serve as a district judge in another State. But Paul Cassell has testified before the Senate Judiciary Committee and has worked many hours with Senator FEINSTEIN and myself and some other Senators in helping to craft the victims' rights constitutional amendment.